

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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AUTOEXPO ENT INC., PEACE PROPERTIES, LLC,  
NETWORK REINSURANCE COMPANY INC.,  
AUTO EXCHANGE CENTER, LLC, and CHROME  
INSURANCE AGENCY LLC,

Plaintiffs,

v.

OMID ELYAHOU, SIMPSOCIAL LLC, FIFTY SEVEN  
CONSULTING CORP. d/b/a CERTIFIED AUTO GROUP  
a/k/a CERTIFIED PERFORMANCE MOTORS, AVI  
EITAN and FAZEEDA KASSIM,

Defendants.

Hon. Orelia E. Merchant  
M. J. Steven L. Tiscione

Civil Action No.  
2:23-cv-9249

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**DECLARATION OF MATTHEW FEINMAN, ESQ.  
IN SUPPORT OF DEFENDANTS AVI EITAN, FIFTY SEVEN  
CONSULTING CORP. D/B/A CERTIFIED AUTO GROUP  
A/K/A CERTIFIED PERFORMANCE MOTORS AND  
FAZEEDA KASSIM'S MOTION TO DISMISS PLAINTIFFS'  
COMPLAINT PURSUANT TO FED. R. CIV. P. RULE 12(b)(1) AND (6)**

Matthew Feinman, an attorney admitted to practice in this Court declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I am associated with the Law Office of Steven Cohn, P.C., attorneys for defendants Avi Eitan, Fifty Seven Consulting Corp. d/b/a Certified Auto Group a/k/a Certified Performance Motors and Fazeeda Kassim (collectively, the "Certified Defendants").

2. I submit this Declaration along with the exhibits listed below memorandum of law, dated May 13, 2024, in support of the Certified Defendants' motion for an order (i) dismissing the First, Second, Third, Fourth and Sixth Causes of Action of Plaintiffs' Complaint, and, the Complaint in its entirety as against the Certified Defendants, pursuant to Rule 12(b)(1) and (b)(6)

of the Federal Rules of Civil Procedure, and (ii) granting the the Certified Defendants such other and further relief as may be just, proper and equitable.

3. Submitted herewith are following exhibits in support of the Certified Defendants' Motion are true and correct copies of:

Exhibit A                      Plaintiffs' Complaint

Exhibit B                      April 12, 2024 Transcript of Civil Cause For Pre-Motion  
Conference Before The Honorable Orelia E. Merchant

3. For the reasons set forth in the Certified Defendants' accompanying memorandum of law, Plaintiffs' First, Second, Third, Fourth and Sixth Causes of Action of the Complaint should be dismissed with prejudice, and, thereby, in the absence of a viable Federal claim, Plaintiffs' Complaint should be dismissed in its entirety.

Dated: May 13, 2024

/s/ Matthew Feinman  
MATTHEW FEINMAN